

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

FATHER JESUS

PLAINTIFF

v.

CIVIL ACTION NO. 1:21-cv-251-TBM-RPM

WLOX TELEVISION

DEFENDANT

ORDER OF DISMISSAL

This matter is before the Court *sua sponte* on the Plaintiff's failure to prosecute. The Defendant filed a Motion to Dismiss [3] on August 6, 2021, and the Plaintiff failed to respond. On January 7, 2022, the Court entered an Order to Show Cause [6] requiring the Plaintiff to demonstrate why the Defendant's Motion to Dismiss should not be granted or why this case should not be dismissed for failure to prosecute or pursue claims. The Court gave the Plaintiff twenty-one (21) days to respond. The Order to Show Cause was mailed to the Plaintiff at the address shown on the docket. To date, the Plaintiff has failed to comply with the Court's Order [6] or otherwise respond to the Defendant's Motion to Dismiss.


The Court has the authority to dismiss an action *sua sponte* for the plaintiff's failure to prosecute and obey a Court. FED. R. CIV. P. 41 (b); *Connely v. City of Pascagoula*, No. 1:11-cv-293-HSO, 2013 WL 2182944, at *1 (S.D. Miss. May 20, 2013) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 631, 82 S. Ct. 1386, 8 L. Ed. 2d 734 (1962)). "The Court must be able to clear its calendar of cases that remain dormant because of the inaction or dilatoriness of the party seeking relief, in a manner to achieve the orderly and expeditious disposition of cases." *Fauzi v. Royal Hospitality Services, LLC*, No. 1:14-cv-83-HSO, 2016 WL 3166581, *2 (S.D. Miss. Jun. 6, 2016) (citing *Link*,

370 U.S. at 630). Such a “sanction is necessary to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars” of the Court. *Id.*

Since the Plaintiff has failed to comply with the Court’s Order [6], the Court finds that this case should be dismissed without prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and for failing to respond to a Court order.

IT IS THEREFORE ORDERED AND ADJUDGED that this matter is DISMISSED WITHOUT PREJUDICE. This CASE is CLOSED.

THIS, the 8th day of February, 2022.



TAYLOR B. McNEEL
UNITED STATES DISTRICT JUDGE